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ABSTRACT

This guide is designed to help teachers understand some basic concepts of school law and how these concepts affect the teacher-student relationship in the classroom. Various legal concepts are briefly presented along with lists of how teachers should handle them in their classrooms. Space is also provided for the teacher to check off whether or not these concepts are being practiced in his/her classroom. The legal concepts covered are (1) corporal punishment, (2) student rights to privacy, (3) sex discrimination, (4) search and seizures, (5) temporary suspension, (6) due process, (7) liability, (8) religion, and (9) miscellaneous concepts. (RC)

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A MINI-GUIDE FOR LEGALIZING

STUDENT-TEACHER RELATIONSHIPS IN THE CLASSROOM

by
James H. Brewer, Ed. D.

A Guide for:

Evaluating classroom practices

Avoiding problems

Improving basic legal knowledge

U.S. DEPARTMENT OF HEALTH, EDUCATION & WELFARE
NATIONAL INSTITUTE OF EDUCATION

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INTRODUCTION

Many classroom teachers have become afraid of the legal implication of their actions in the classroom. Moreover, some teachers may have even stopped many worthwhile activities because of the fear of court action.

This guide is designed to help teachers understand some basic legal concepts of school law and how these concepts affect the teacher-student relationship in the classroom. The guide is not designed to be a school law text which provides an in-depth study on all aspects of school law.

Each state, school, and school system will have its own laws, institutional procedures, rules, and regulations with which the teacher must be familar. However, recent court decisions and federal legislation are the sources for the information contained in this guide. Remember that this guide is for teacher-student interaction in the classroom.

CORPORAL PUNISHMENT

In recent court decisions, it has again been recognized that teachers have a responsibility for the progress, conduct, and deportment of students. Under certain conditions, corporal punishment is permitted to assure proper conduct of the student in the classroom.

The teacher should	IN MY CLASSROOM? YES	NO
1. Inform students beforehand, whenever possible, the specific misbehavior that will result in corporal punishment.	____	____
2. Use corporal punishment only as a last resort.	____	____
3. Use corporal punishment which is reasonable in light of the age, weight, sex, etc. of the student.	____	____
4. Have another teacher or the principal present beforehand and explain in the student's presence the reason for the punishment.	____	____
5. Allow the student to protest the punishment if he so desires.	____	____
6. Have the principal or teacher witness the physical punishment.	____	____
7. Provide the parents with a written explanation of the reasons for such punishment and the name of the second person (teacher or principal) who was present upon the request of the parent.	____	____
8. Use corporal punishment without regard to No. 1 and 2 of this section only if the anti-social or disruptive behavior is such as to "shock the conscience."	____	____
9. Use corporal punishment without anger or malice.	____	____

STUDENT RIGHTS TO PRIVACY

The Family Education Rights and Privac[illegible]ct attempts to protect the rights of parents and students in regard to confident[illegible]cords and information.

STUDENT RIGHTS TO PRIVACY	IN MY CLASSROOM?	
The teacher should	YES	NO
1. Release student's records to other teachers only if they have legitimate educational interest.	___	___
2. Make available to parents for inspection instructional materials used in any program designed to explore new or unproven teaching methods or techniques.	___	___
3. Furnish upon request from the parent a copy of the student's records which include grades, standardized test scores, attendance data, health data, family background information, teacher ratings and observations, and reports of serious or recurrent behavior patterns.	___	___
4. Allow parents to correct misleading or inappropriate data contained in teacher records before a formal hearing becomes necessary.	___	___
5. Not release personally identifiable student information without first checking with the principal or superintendent.	___	___
6. Allow the student who has reached eighteen years of age the same rights accorded parents.	___	___
7. Keep personal notes about students solely for his/or her own individual use, as long as they are not communicated to any other person.	___	___

SEX DISCRIMINATION [Title 1X of the Ed. Amendments of 1972]

Title 1X of the Educational Amendments of 1972 were designed to bar sex bias in education. Several of the provisions affect the classroom teacher.

The teacher should	IN MY CLASSROOM? YES	NO
1. Allow members of both sexes to participate in any academic, extra-curricular, research, occupational training, or other educational program.	____	____
2. Adopt the same classroom rules for both sexes.	____	____
3. Treat each individual student without regard to sex.	____	____
4. Treat student pregnancy as any other physical condition or temporary disability which is covered by school policies.	____	____
5. Allow students of both sexes to participate in physical education activities unless it is a contact sport which includes wrestling, boxing, rugby, ice hockey, football, basketball, or other such body-contact sports.	____	____
6. Conduct units dealing with human sexuality in separate sessions when desirable.	____	____
7. Use occupational counseling and guidance materials with both sexes.	____	____
8. Use any textbook or curricular material that is permitted by the school system.	____	____

SEARCH AND SEIZURES
[Dangerous or illegal drugs and other harmful items.]

In attempting to protect the rights of students while trying to protect them from harm, the courts have tried to balance search and seizure procedures. Moreover, because of the increasing danger of illegal drugs in the schools, teachers and administrators are faced with more reasons for search and seizure.

	IN MY CLASSROOM?	
	YES	NO
The teacher should		
1. Search a pupil only after exercizing reasonable judgement and with reasonable cause.	___	___
2. Search a pupil without malice and for the good of the pupil.	___	___
3. Search a pupil in the presence of another adult witness.	___	___
4. Document indications of the possession or use of dangerous or illegal drugs by students including the student's name, address, location where the evidence was discovered, and a brief summary of the facts surrounding the cause.	___	___
5. Take the evidence to the principal.	___	___
6. Allow the principal to search persons, lockers, desks, etc. when the situation becomes serious.	___	___
7. Use force only in extreme circumstances.	___	___
8. Involve the parents as soon as possible when a serious situation arises.	___	___

TEMPORARY SUSPENSION

The administration and school board usually suspend or expell students. However, teachers do have a responsibility to assist in the process if it becomes necessary. Regulations and procedures about suspension should assure the student due process.

The teacher should	IN MY CLASSROOM? YES	NO
1. Assist the principal in documenting the reasons for actions which may lead to the suspension of a student.	—	—
2. Report students who pose a continuing danger to persons or property or who are an on-going threat to the academic process.	—	—
3. Allow the principal or superintendent to suspend the student when necessary.	—	—
4. Be fair-minded in the decisions regarding student behavior.	—	—

DUE PROCESS

The courts have indicated that students be provided due process in regard to classroom and school rules. When punishment is necessary, certain procedures should be followed.

The teacher should	IN MY CLASSROOM? YES	NO
1. Administer disciplinary proceedings only for violation of rules which have been previously clarified.	____	____
2. Involve students in the formulation of classroom rules in accordance with the age and sophistication of the students.	____	____
3. Hand out to student written classroom rules when possible.	____	____
4. Give advance notice of any rule changes before punishment is administered.	____	____
5. Formulate all classroom rules around legitimate educational purpose.	____	____
6. Write and/or pronounce rules in a reasonably clear way.	____	____
7. Notify the principal when students violate school rules and be prepared to document such violations.	____	____

LIABILTY

Liability is a major problem for teachers. While the teacher cannot be expected to be a "super-person", certain procedures can be followed to assure the reasonable standard of care for students.

The teacher should	IN MY CLASSROOM? YES	NO
1. Exercise the same care with students as another teacher would under the same or similar circumstances.	____	____
2. Perform all the duties necessary to protect students.	____	____
3. Use insight and prudently evaluate situations which may need extra care because of high risk to students.	____	____
4. Not expose students to unreasonable risk.	____	____
5. Give adequate instructions in the hazards involved in any activity in the classroom or on a field trip.	____	____
6. Supervise classroom activities.	____	____
7. Not attempt to medically treat a student's illness.	____	____
8. Perform first-aid in an emergency and when no medically trained person is available.	____	____
9. Perform emergency first-aid which will not worsen the student's condition.	____	____

RELIGION

In recent years, courts have attempted to prevent states and public educational institutions from infringing on the right of the individual to practice religion. Yet the public school or teacher does not need to disregard religion.

The teacher should	IN MY CLASSROOM? YES	NO
1. Not permit religious exercises in his/her classroom.	____	____
2. Teach comparative religion when appropriate.	____	____
3. Use the Bible as literary material if desirable.	____	____
4. Use the Bible as an historic source when needed.	____	____
5. Teach the history of religion and its relationship to the progress of civilization when appropriate.	____	____

MISCELLANEOUS

The courts have spoken about many other issues in education. A few other guidelines for the classroom teacher are provided below.

The teacher should	IN MY CLASSROOM? YES	NO
1. Not use, or permit students to use, obscene materials that appeal to prurient sexual interest unless it can be proven that such material is relevant to the school situation.	____	____
2. Use intructional material which is related to the age and sophistication of the students, has a close relation to the specific technique used, and has some valid educational objectives.	____	____
3. Allow students to distribute literature, even when controversial, unless it is felt that the literature will endanger the normal function of the classroom.	____	____
4. Talk to other teachers about students only if valid educational reason exist.	____	____

CONCLUSION

School law is a complex subject and cannot be taken lightly by today's educators. Yet many teachers have not had the opportunity to keep up with the latest legal concepts. Moreover, there are many misconceptions about what the law says. Educators should continually search for new information about school law and should make every effort to re-evaluate school practices in light of that new information. When serious legal problems arise, the teacher should seek legal counsel.

HELLO — SCHOOL BOARD? I JUST FOUND OUT THAT SOME STUDENTS ARE MANUFACTURING LSD IN THE CHEM LAB, THE THIRD GRADE'S HOLDING MISS LANE HOSTAGE ON THE LOWER PLAYGROUND, THE VO-TECH BUILDING BURNED TO THE GROUND BECAUSE STUDENTS HURLED THEMSELVES IN FRONT OF THE FIRE TRUCKS, AND THERE'S A PETITION GOING AROUND TO CHANGE THE SCHOOL'S NAME TO SWINGING SINGLES' HIGH. WHAT'LL I DO?
COPYRIGHT IT! THERE'S A BEST-SELLER IN THERE SOMEWHERE!
G.I. HADDITT PRINCIPAL